REGULATORY OVERLOAD

Everybody knows the story about the 2x4 method of training a mule -- the first thing to do is get the mule's attention. Just over a year ago, the voters used that method to send a clear message to Washington: the people want less -- not more -- government in their daily lives.

The people want the federal government to focus on the things it can and should do to foster economic growth, job creation and opportunity in America.

Americans are sick of senseless regulations. Each year 68,000 pages of new and proposed regulations are published in the Federal Register. Some are needed. Many are not.

Most members of Congress understand the message loud and clear. Unfortunately, the same cannot be said for President Clinton, his advisors and some unelected bureaucrats. The Clinton Administration continues to believe that many problems can be solved with a good dose of overreaching federal regulation.

They didn't understand the voters' message when they proposed a big government health-care plan, and they don't understand it now as they have proposed broad federal tobacco regulations, even though a far more sensible solution to youth smoking -- the enforcement of State minimum age laws -- is already in place.

The Administration's answer to the problem of teen smoking is to arm an unelected bureaucrat at the Food and Drug Administration with sweeping new powers that will be used to dictate what kinds of T-shirts will be sold and what kinds of billboards Americans will be permitted to read.

These regulations open the door to an outright ban of cigarettes. This is not alarmist's view. According to FDA's proposed rule, if the FDA chose to regulate tobacco products under its drug authorities -- a power it claims to have -- it "could require their removal from the market."

FDA Commissioner David Kessler does not like cigarettes. He is entitled to that personal belief. But now he has come up with a variety of ways to punish those who make, sell and smoke cigarettes. He rationalizes his ill-conceived and punitive proposals by saying these steps are needed to prevent kids from smoking.

Unfortunately for Commissioner Kessler, his rationale has been rejected by many knowledgeable experts; few seriously believe that teenagers start smoking because they are enticed by advertising. Kids smoke because their friends smoke, or because their parents

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smoke. They smoke cigarettes for the same reasons they drink alcohol. They do it because they are kids, and they rebel.

A federal nanny at the FDA dictating what adults can and cannot do is not solution to the problem of youth smoking. This explains why public comments to the FDA's plan are running against the agency's rule.

On the other hand, the American public will support new rules to keep kids from smoking if they make sense. Already, every State has made it illegal to sell cigarettes to minors. That makes sense; declaring the nicotine in tobacco a drug and regulating cigarettes and smokeless tobacco as a "medical device" -- like a pacemaker or defibrillator -- does not.

The FDA has no idea whether its proposed new regulations will work, so it included a provision in its rule that states if they do not succeed in preventing youth smoking, even more onerous regulations will kick in a few years from now.

It's just this type of "government knows best" attitude that created a voter revolt in 1994. It's an attitude typical of some government bureaucrats, who are willing to squander taxpayers' money on burdensome new regulations that attempt to dictate personal choices but which will fail to achieve their stated goal.

It's time for the Clinton Administration to relearn the lesson of Henry David Thoreau, who, borrowing from the days of Jeffersonian democracy, stressed that "the government is best which governs least."

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